

### **Important Privacy Notice**

Federal Rule of Civil Procedure 5.2 prohibits litigants in a non-habeas proceeding from submitting documents that contain personal information. Unless the Court orders otherwise, personal identifying information in Court filings must be limited as follows:

- Social security numbers, taxpayer-identification numbers, and financial **account numbers must include only the last four digits** (e.g., xxx-xx-1234)
- Birth dates must **include the year of birth only** (e.g., xx/xx/2000)
- Names of persons under the age of 18 must be indicated by **initials only** (e.g., A.B.)

You are responsible for protecting the privacy of this information in your filings. If your documents, including attachments, contain any information that does not comply with this rule, please black out that information before sending your documents to the Court.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_\_  
**ORLANDO A. ACOSTA v.**  
\_\_\_\_\_  
**: CIVIL ACTION :**  
\_\_\_\_\_

\_\_\_\_\_  
*(In the space above enter the full name(s) of the plaintiff(s).)*

- against -

**COMPLAINT**

Jury Trial: ☒ Yes ☐ No

(check one)

\_\_\_\_\_  
**IN THE UNITED STATES DISTRICT**  
**COURT FOR THE EASTERN DISTRICT OF**  
**PENNSYLVANIA GOVERNOR TOM WOLF**  
**& Kathy Boockvar the secretary of the**  
**state for the Commonwealth of**  
**Pennsylvania Pennsylvania Department of**  
**State Bureau of Elections et al.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)*

**I. Parties in this complaint:**

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	_____ <b>Mr. Orlando A. Acosta</b> _____
	Street Address	_____ <b>5355</b> _____
	County, City	_____ <b>Belfield Avenue Philadelphia</b> _____
	State & Zip Code	_____ <b>Pennsylvania ZIP code 19144</b> _____
	Telephone Number	_____

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1                      Name Governor Tom Wolf  
    Street Address 508 main Capitol building  
    County, City Harrisburg Pennsylvania zip  
    State & Zip Code code 17120

Defendant No. 2                      Name Kathy Boockvar Secretary of State for  
    Street Address the Commonwealth of Pennsylvania 302  
    County, City North building Harrisburg Pennsylvania  
    State & Zip Code zip code 17120

Defendant No. 3                      Name Pennsylvania Department of State Bureau of Elections  
    Street Address 306 North Office Building, 401 North Street  
    County, City Harrisburg, PA 17120  
    State & Zip Code \_\_\_\_\_

Defendant No. 4                      Name \_\_\_\_\_  
    Street Address \_\_\_\_\_  
    County, City \_\_\_\_\_  
    State & Zip Code \_\_\_\_\_

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (*check all that apply*)  
☒ Federal Questions                      ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? ~~*The loss of my constitutional ability and civil rights to campaign to have a voice within the electoral process and to be able to exercise my right to be a candidate in the electoral process many forms of my constitutional and civil rights have been violated by the state by the governor and even by Judge Kenny by way of but not limited to only the Fourteenth Amendment Bullock v. Carter Williams v. Rhodes, 393 U.S. 23 (1968) American Party of Texas v. White, 415 U.S. 767, 783 (1974). In Storer v. Brown, 415 U.S. 724, 738-40 (1974)*~~

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

### III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? *Within the city and the county of Philadelphia located in the state of Pennsylvania*

B. What date and approximate time did the events giving rise to your claim(s) occur? *March of 2020 till now*

C. Facts: *Judge Kearney's footnote established that I needed "1000 signatures" which refers to the part of the Pennsylvania election code that states that the number of signatures for candidates running in a primary title 25 sec. 2872 .1(12). The Supreme Court ruled in Illinois State Board of Elections versus Socialist Workers Party 440 US 173 1979 that States cannot require more signatures for a district office then for a statewide office. Pennsylvania requires exactly 5000 signatures for independent candidates for statewide office. This is not in the election code, but it is a result of a settlement in the Constitution Party of Pennsylvania versus Cortes, e.d., 5:12cv-2726). This case had no effect on the number of signatures for district offices.*

What  
happened  
to you?

Who did  
what?

Was  
anyone  
else  
involved?

Who else  
saw what  
happened?

#### IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

*The loss of my constitutional ability and civil rights to campaign to have a voice within the electoral process and to be able to exercise my right to be a candidate in the electoral process many forms of my constitutional and civil rights have been violated by the state by the governor and even by Judge Kenny Therefore the number of signatures needed for me, a number greater than 5000, seems to be in conflict with the unanimous ruling of the US Supreme Court from 1979. The US District Court in Illinois put the Libertarian and Green party statewide candidates and to US House candidates on the ballot with no petition required at all due to the COVID-19 crisis. Thus these mitigating circumstances of the virus did not require petitions for candidates to be placed on a ballot.*

#### V. Relief:

Furthermore, in the County of Butler versus Thomas W. Wolf, due to the COVID-19, the pandemic has impacted every aspect of American life. We are tasked with how to intervene in a manner that is effective and protects citizens rights and safety. We know that outdoor events and gatherings of more than 250 people were prohibited ECF NOS. 48-5 48 -6. Pennsylvania saw its first positive cases of COVID-19 in the early days of March 2020 ECF No. 37. On March 6, 2020 Governor Wolf signed a proclamation of disaster emergency to attempt to mitigate the spread of the virus ECF No 42-1. The governor's approach throughout the pandemic was to take an aggressive enforcement approach. Pennsylvanians were cited for violating the stay at home and business closures orders. EFC No. 74, pp. 61-69; ECF No's. 42-102, 48-7, 54-3). So Judge Kearney wants my volunteers to go out and get signatures breaking Governor Wolf's orders? Furthermore, one might be tempted to conclude the draconian nature of a lockdown rendered a high bar indeed. Due to the nature of the coronavirus. During the month of February, as I stated in my previous petition, I was planning my strategy for my independent grassroots campaign. I was reaching out to voters to help me with my campaign, but everything was being shut down. Please don't lose sight that I suffer from palsy asthma and other health issues. Due to the fact that there's no longer a way from me to be placed on the ballot to have a effective campaign I am requesting for financial relief in the form of \$10 million dollars.

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Due to the fact that there's no longer a way from me to be placed on the ballot to have a effective campaign I am requesting for financial relief in the form of \$10 million dollars.

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CDC, the Secretary of Health for Pennsylvania, and other medical personnel recommended that individuals like myself should stay indoors during the time that you wanted me out and about collecting signatures. I did not attempt to have volunteers go out and collect petitions, because of unconstitutional policies set forth by Governor Wolf. All efforts were in vain in obtaining and verifying signatures for my petition to be placed on the ballot, greatly impacting my effects.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of Plaintiff ORlando A: Acosta

Mailing Address Mr. Acosta 5355 Belfield Avenue  
Philadelphia Pennsylvania ZIP code 19144

Telephone Number +1 (484) 358-3923

Fax Number (if you have one) \_\_\_\_\_

E-mail Address orlandoacosta979@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this 29 day of October, 2020, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: ORlando A: Acosta

Inmate Number \_\_\_\_\_